



W.P. No.3115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P. No.3115 of 2024

Moganapriya

... Petitioner/Sister of the detenu
Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2. The Superintendent,
Central Prison,
Coimbatore – 641 018.

... Respondents

Prayer :- Writ Petition filed under Section 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the respondent to grant 30 days of ordinary leave without escort to the detenu, Prakash S/o.Ramasamy aged about 32 years, bearing Convict No.20120 confined at Central Prison, Coimbatore.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor



W.P. No.3115 of 2024

Assisted by Mr. Aravind.C

ORDER

(Order of the Court was delivered by **M.S.RAMESH, J.**)

In the present writ petition, the petitioner seeks for grant of ordinary leave for her brother/Convict Prisoner viz., Prakash S/o.Ramasamy aged about 32 years, bearing Convict No.20120, confined at Central Prison, Coimbatore, on the ground that he needs to effect a family partition deed.

2. The Probation Officer has filed his report dated 24.02.2024, wherein he had stated that the reason assigned by the petitioner seeking for leave to her brother/Convict Prisoner, is genuine and that the petitioner's brother/Convict Prisoner, can be granted leave with escort. This apart, the Probation Officer has also observed in the report that the health of the parents of the Convict Prisoner, are not well. However, for the purpose of recommending leave without escort, no specific reason has been assigned, except that the Convict Prisoner is going on leave for the first time.

3. We are of the view that when there is no apprehension to the life



W.P. No.3115 of 2024

and safety of the Life Convict or any other person through him, ordering for escort during the period of leave may not be warranted. However, if the Convict Prisoner is directed to report before the concerned jurisdictional police daily, the interest of justice would be secured.

4. At this juncture, the learned Additional Public Prosecutor submitted that the Life Convict is otherwise eligible for leave for a period of 28 days.

5. In the light of the above observation, this writ petition is allowed and the petitioner's brother/convict prisoner i.e., Prakash S/o.Ramasamy aged about 32 years, bearing Convict No.20120 confined at Central Prison, Coimbatore, is permitted to avail Ordinary Leave for a period of 28 days without escort, on the following conditions:

(i) Respondents are directed to release the Prisoner's brother viz., Prakash S/o.Ramasamy aged about 32 years, bearing Convict No.20120 confined at Central Prison, Coimbatore, on Ordinary Leave for a period of



W.P. No.3115 of 2024

28 days i.e., from 29.02.2024 to 27.03.2024.

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(ii) The Prisoner shall be released on 29.02.2024 at 10.00 a.m. and surrender before the Superintendent of Prisons, Central Prison, Coimbatore, on 27.03.2024 at 05.30 p.m.

(iii) The Prisoner is directed to report before the Inspector of Police, KG-Savadi Police Station, Coimbatore District, daily at 10.00 a.m., during the period of leave.

(iv) The Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. With the above directions, the Writ Petition stands allowed.

(M.S.R., J.) (S.M., J.)
26.02.2024

ars

Internet : Yes

Index : Yes / No

Note: Issue Order copy on 27.02.2024
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W.P. No.3115 of 2024



W.P. No.3115 of 2024

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1. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.
2. The Superintendent,
Central Prison,
Coimbatore – 641 018.
3. The Public Prosecutor,
High Court, Madras.



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W.P. No.3115 of 2024

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